

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

THE CATHOLIC BENEFITS	)	
ASSOCIATION LCA, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case Nos. CIV-14-204-R
	)	and CIV-14-685-R
ERIC D. HARGAN, et al.,	)	
	)	
Defendants.	)	

SUPPLEMENT TO DECISION ON BILL OF COSTS

The undersigned disallows plaintiff's request for reimbursement of the fees for filing notices of appeals in these two cases. Federal Rule of Appellate Procedure 39(a) provides that "if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise". Fed. R. App. P. 39(a)(1). Plaintiffs were appellants or cross-appellants in both appeals to the Court of Appeals for the Tenth Circuit. Plaintiffs moved to dismiss those appeals on November 15, 2017. The Catholic Benefits Association v. Hargan, Case Nos. 14-6171 and 15-6037, motion for voluntary dismissals (filed Nov. 15, 2017) (Doc. No. 01019902126). In the motion, plaintiffs did not specify how costs were to be paid. Likewise, the Circuit Court's order granting the dismissals did not mention costs. Id., order at 2 (filed Nov. 16, 2017) (Doc. No. 01019902663). The undersigned is therefore left with the Rules of Appellate Procedure, which dictate that appellants

do not recover their costs on appeal when an appeal is dismissed. The award of costs has thus been reduced by \$1,010.00 (\$505.00 multiplied by two).

Entered this 5th day of June, 2018.

  
Carmelita Reeder Shinn  
Clerk of Court